

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Serial No.: 10/799,174 claiming the benefit of 60/455,059
Filed: Mar. 12, 2004
Group Art Unit: 2612
Title: Method and Apparatus for Identifying a Missing Individual.

Examiner: Not Assigned
Docket No.: 06_SAF_27

**PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
PURSUANT TO 37 C.F.R. § 1.102 and MPEP § 708.02**

Director of the United States Patent and Trademark Office
Attention: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to make this application special because of actual infringement. Accompanying this petition are the following:

- (1) Declaration of Facts in Support of Petition to Make Special Because of Actual Infringement;
 - (2) Authorization to charge deposit account no. 50 3830 in the amount of \$130 to cover the fee for this petition.
- Please charge any underpayment, and credit any overpayment, to deposit account no. 50 3830.

Date: 27 Dec, 2006

Respectfully submitted,



Fred Lane
Practitioner (reg. no. 58,188)
100 North 72nd Ave.
Wausau, WI 54401

In the United States Patent and Trademark Office

Appn. Number: 10/799,174 claiming the benefit of 60/455,059

Filed: 03/12/2004

Title: Method and Apparatus for Identifying a Missing Individual.

Examiner: Not Assigned

**Declaration In Support of Accompanying Petition to Make Special
Reason II- Infringement Exists**

In support of the accompanying Petition to Make Special applicant declares as follows:

1. SafeAssured LLC is the assignee of all interest in the above-identified patent application.
2. SafeAssured LLC, the assignee in this application, has started volume production of embodiments of the invention.
3. We recently became aware through the internet of several companies selling products which, we believe, read upon our claims.
4. In particular a company called DigiKids LLC selling a product which, we believe, reads upon our claims.
5. This product may be found on their website: <http://www.digikids-id.com>
6. This product claims to be patent pending application number 10/988738.
7. We believe the DigiKids product reads upon our claims of at least 22-26 with elements:
 - a. Providing a means for interfacing with a portable electronic storage medium
 - b. Forming personal information on that medium
 - c. Forming unique identifying indicia on that medium
 - d. Forming a software program that will function independent of the means for interfacing.
8. We believe our first application pre-dates their application by 8 months or more.

9. We also believe we are the first to produce and market the product. Therefore we believe we are the first to invent and reduce the invention to practice.
10. Another company called life-prints is also selling a product which, we believe, reads upon our claims including using encryption protected media. Part of their literature reads; "**Privacy Protection:** Child ID information is 128-bit encrypted and password protected. Only the parent or guardian has access to the information, and keeps the Life-Prints Memory Stick or CD. Life-Prints does not keep or share ANY child ID information. THERE IS NO DATA-BASE!"
11. This product may be found on their website: <http://www.life-prints.com/about-life-prints.htm>
12. We believe the life-prints product reads upon our claims of at least 22-27.
13. A third product called LifeLynx LLC is suspected to also infringe upon the patent, but the full product features could not be ascertained at this time.
14. This product may be found on their website: <http://www.lifelynx.net>.
15. The Technology page on the website claims that the product is patent pending, but no patent documentation could be found for the suspected inventors or assignee on the USPTO public search site.
16. Therefore, we respectfully petition that our application be made special, and examined ahead of turn, so that our patent can be sited as prior art so that we can respond appropriately.
17. We further declare that all statements made herein of our knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

Very Respectfully,

A handwritten signature in black ink, appearing to read "John J. Lafferty".